IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Tr.P(Crl.).No. 51 of 2007()

MC.171/2007 of FAMILY COURT, PALAKKAD

.....

PETITIONER:

SINOSH.P., AGED 27 YEARS, S/O.PAVITHRAN,
RESIDING AT CHEERASSERRI, PAALAKKAAPARAMBU,
BEYPORE, CALICUT.

BY ADV. SRI.M.S.VINEETH

RESPONDENTS:

---

1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SINDHU U.T., AGED 23 YEARS,
D/O.THARAVAN, URUMANTHODI HOUSE,PARUTHOOR P.O.,
PALLIPURAM, PATTAMBI, PALAKKAD DIST.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Tr.P.(Cri) NO. 51 OF 2007

Dated this the 24th day of July, 2007

ORDER

The petitioner is the respondent in a claim under Sec.125 of the Cr.P.C. pending before the Family Court at Palakkad. The same is pending as M.C.No.171/07. The petitioner has filed O.P.No.244/07 for divorce before the Family Court at Kozhikode. Thus, these petitions between the same parties are pending before different Family Courts. According to the petitioner, he has suffered serious injuries and is unable to undertake a journey to Palakkad from Kozhikode where he is permanently settled. In these circumstances, he has come before this Court for a direction to transfer M.C.No.171/07 pending before the Family Court, Palakkad to the Family Court at Kozhikode where the connected O.P.No.244/07 is pending.

2. The request appeared to be fair and reasonable. Notice was ordered to the 2nd respondent/wife. Notice has

been served. There is no appearance for the respondent/wife. Notice is seen served directly. A memo showing service of notice on the counsel is also produced. I must, in these circumstances, assume that the respondent/wife has no objection against the prayer for transfer. I am satisfied that the prayer for transfer can be allowed.

3. In the result, this petition is allowed. M.C.No.171/07 pending before the Family Court, Palakkad is transferred to the Family Court, Kozhikode, where O.P.No.244/07 between the parties is pending before that court. The Family Court, Palakkad, shall forthwith transmit the records to the Family Court at Kozhikode and shall direct the parties to appear before that court on 20/8/2007.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge